



2-52 USE OF FORCE: ~~—~~GENERAL

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-1 Personnel Code of Conduct
- ~~2-11 Use of Tire Deflation Devices~~
- ~~2-12 Pursuit Intervention Technique (PIT)~~
- ~~2-19 — Response to Behavioral Health Issues~~
- ~~2-45 — Pursuit by Motor Vehicle~~
- ~~2-53 — Use of Force: Definitions~~
- ~~2-54 — Intermediate Weapons Systems~~
- 2-55 5 — Use of Force: De-escalation
- 2-56 6 — Use of Force: Reporting by Department Personnel
- 2-57 7 — Use of Force: Review and Investigation by Department Personnel
- 2-82 Restraints and Transportation of Individuals

B. Form(s)

None

C. Other Resource(s)

Graham v. Connor, 490 U.S. 286 (1989)

D. Rescinded Special Order(s)

SO 21-59 Amendment to SOP 2-52 Use of Force: General

2-52-1 Purpose

The purpose of this policy is to establish uniform guidelines and standards applicable to the use of force by sworn personnel of the Albuquerque Police Department (Department).

2-52-2 Policy

~~Officers~~ Sworn personnel shall make every effort to preserve the sanctity of human life in all situations.

The Department shall hold ~~officers~~ sworn personnel accountable for upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every use of force incident.

~~Officers~~ Sworn personnel who use force shall use the minimum amount of force that is reasonable and, necessary, ~~and proportional~~ based on the totality of the circumstances confronting the ~~officers~~ sworn personnel in order to bring about a lawful objective.



Once force is used, ~~officers~~sworn personnel shall reduce the level of force or stop using force as the resistance or threat decreases.

~~Officers~~Sworn personnel derive their authority to use force from the United States Constitution, federal and state laws, Department policies, and the community. Unreasonable force degrades the legitimacy of the officer's authority. The unreasonable use of force ~~will~~ shall subject ~~officers~~sworn personnel to discipline, as well as to possible criminal prosecution and/or civil liability.

Under this policy and the Supreme Court's decision in *Graham v. Connor*, 490 U.S. 286 (1989), use of force by ~~officers~~sworn personnel is considered from the perspective of a reasonable officer who is on-scene and other requirements consistent with this ~~policy~~ Standard Operating Procedure (SOP) and consistent with. ~~(See SOP —Use of Force: Review and Investigation by Department Personnel for a discussion of the use of force standard of review.)~~

The Department requires ~~officers~~sworn personnel to exercise a higher duty of care than that set forth in *Graham v. Connor* when performing their duties on behalf of the Department and the community. ~~That means~~ officers~~sworn personnel shall~~ will be held accountable by the Department when utilizing force that does not conform to this policy or training conducted by the Department.

~~Officers~~Sworn personnel shall clearly articulate the facts demonstrating that they used the minimum amount of force that was reasonable and, necessary, ~~and proportional~~ based on the totality of the circumstances confronting the ~~officers~~sworn personnel in order to bring about a lawful objective.

2-52-3 Definitions

For a listing of definitions specific to use of force, refer to SOP ~~—Use of Force: Definitions.~~

2-52-4 Use of Force Requirements

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A. General Requirements

1. ~~Officers~~Sworn personnel shall first use de-escalation techniques ~~when feasible~~ to gain the voluntary compliance of an individual to reduce or eliminate the need to use force when feasible, consistent with SOP Use of Force: De-escalation.
 - ~~a. Among these techniques are the use of advisements, warnings, and verbal persuasion, consistent with as discussed in SOP — Use of Force: De-escalation.~~
2. Sworn personnel ~~When feasible, officers~~~~sworn personnel~~ shall allow an individual a reasonable amount of time to submit to arrest or a lawful order before using force when feasible.



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3. Sworn personnel shall not use force in a manner that violates federal or state law.

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~~4. Officers Sworn personnel shall continually assess whether the use of force is necessary and when continued force applications are no longer necessary to accomplish a lawful objective.~~ Based on the totality of the circumstances, sworn personnel shall only:

- a. Only use force to accomplish a lawful objective;
- b. Only use force when force is necessary; that is
- c. Only use force that is objectively reasonable;
- d. Only use the minimum amount of force necessary; ~~necessary, and~~
~~Only use force that is proportional to the threat being presented and based on the severity of the crime; and~~
- e. ~~totality of the circumstances, and reasonable.~~ Sworn personnel shall
Continually assess whether they are using the minimum amount of force, whether the use of force is necessary, whether the use of force is proportional, and whether the use of force is reasonable.

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~~5. Officers Sworn personnel~~ shall reduce the level of force applied as the nature of the threat diminishes to include stopping the use of force.

~~Sworn personnel shall consider their approach to individuals when it is apparent that the individual is experiencing a behavioral health crisis, consistent with SOP Response to Behavioral Health Issues.~~ When responding to an individual experiencing a behavioral health crisis, when feasible, sworn personnel shall attempt to de-escalate and calm the situation until a supervisor, an ECIT Officer, a CIU Detective, or MCT arrive to control the scene and direct operations, consistent with SOP Response to Behavioral Health Issues.

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~~B. Reasonable Force~~

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N/A

~~1. Force is reasonable when it is the minimum amount of force necessary to effect an arrest or protect an officer or other individuals under the circumstances.~~

~~C. Necessary Force~~

~~Force is necessary when no reasonable alternative to the use of force exists.~~
~~1. When force is necessary, officers sworn personnel shall use the minimum amount of force required that is reasonable.~~

~~D. Proportional Force~~

~~1. Force is proportional when it includes consideration of the totality of the circumstances surrounding the situation, including the presence of articulable, imminent danger to the officer or other individuals.~~

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~~2. The use of proportional force by an officer does not require the use of the same type or amount of force as that used by the individual.~~

~~E. Totality of the Circumstances~~

~~1. When force is used, the decision to use force and the level of force must be reasonable, necessary, and proportional given the totality of the circumstances.~~

~~2. Factors defining the totality of the circumstances include, but are not limited to the following:~~

- ~~a. The severity of the crime(s) at issue;~~
- ~~b. Whether the individual is actively resisting arrest or attempting to evade arrest by flight; and~~
- ~~c. Whether the individual poses an immediate threat to the safety of the officer(s) or other individual(s).~~

~~3. Other factors may include the following:~~

- ~~a. The knowledge or belief the individual is under the influence of alcohol and/or drugs;~~
- ~~b. The individual's medical or mental health history or condition as known to the officer at the time;~~
- ~~c. The individual's known history to include violent tendencies and/or previous combative encounters with law enforcement at the time;~~
- ~~Disparities of force (i.e.g., differences in factors, such as physical size or strength, numbers, gender, age, weapons, injury, special knowledge or skills that place an officer at an advantage [(positive disparity)] or disadvantage [(negative disparity)], are part of the "totality of the circumstances," and can have direct implications on the reasonableness of a use of force;~~
- ~~d. The existence of a negative disparity for the officer could justify the use of a higher level of force in a given situation, whereas a positive disparity for the officer could reduce the level of force deemed reasonable in a given situation.~~
- ~~e. The individual's condition, if known (e.g., it is apparent to the officer that an individual is experiencing a behavioral health crisis), must be considered in the officer's approach to the situation. (See SOP Response to Behavioral Health Issues.);~~
- ~~f. The opportunities the officer had to give a warning, use verbal de-escalation, and use other de-escalation techniques or tactics to limit the amount of force used; and~~
- ~~g. Whether the officers/sworn personnel made statement(s) or took action(s) that created the need to use force.~~



- ~~4. The dynamics of a use of force encounter can quickly change, which may cause the officer to reasonably escalate or de-escalate the level of force they are using against an individual.~~
- ~~5. All factors surrounding a use of force encounter must be clearly, concisely, and correctly documented.~~

~~F. Lawful Objective~~

- 4 ~~1. Officers~~Sworn personnel shall only use force to achieve a lawful objective. ~~Officers~~Sworn personnel are authorized to use force:
 - ~~a. To effect a lawful arrest or detention of a person;~~
 - ~~b. To prevent and/or terminate the commission of a crime;~~
 - ~~c. To intervene in a suicide or self-inflicted injury;~~
 - ~~d. To enforce a valid Certificate forof Evaluation;~~
 - ~~e. To defend an officer or person from the physical acts of another; or~~
 - ~~f. To conduct a lawful search when an individual is actively resisting.~~

2-52-5 Use of Force Prohibitions

- 4 A. ~~Officers~~Sworn personnel shall not use force to attempt to gain compliance with an unlawful command.
- B. ~~Officers~~Sworn personnel shall not engage in actions or tactics or make statements that escalate a situation such that the use of force becomes necessary.
- ~~C. Sworn personnel shall not use their weapon-mounted light solely for the purpose of illuminating an individual. Sworn personnel shall not use t~~The weapon-mounted light shall not be used for general illumination. Lights are to be used to illuminate a potential threat where the use of a weapon system is warranted."

- 5 ~~C.D.~~ Sworn personnel shall not use force against a restrained or handcuffed individual unless the force is necessary:
 - 1. To prevent ~~imminent~~immediate bodily harm to the officer, individual, or ~~another person or persons~~others;
 - 2. To overcome active resistance; or
 - 3. To move an individual who is passively resisting.

- 1 ~~D.E.~~ Sworn personnel shall not use their firearms as impact weapons, except to protect themselves from an ~~imminent~~immediate risk of a deadly threat due to the possibility of an unintentional discharge and/or the possibility that it could result in the serious physical injury or death to the officer, the individual, or others.



~~E.F.~~ Officers Sworn personnel shall not use deadly force against any individual who is threatening suicide or self-injury when that individual is not posing a threat to anyone else.

1 ~~G.~~ Officers Sworn personnel shall not use neck holds, consistent with ~~(See SOP —Use of Force; Definitions)~~ unless deadly force is justified.

2 ~~F.H.~~ Officers Sworn personnel shall not fire warning shots.

2 ~~G.I.~~ Officers Sworn personnel shall not fire less-lethal or lethal munitions at an individual in a crowded environment if, based upon the totality of the circumstances, the danger of hitting an innocent bystander outweighs the necessity and likelihood of stopping the individual.

1 ~~H.J.~~ Officers Sworn personnel are prohibited from using deadly force solely in defense or protection of property.

2-52-6 Use of Force Procedures

7 A. General Procedures

1. When feasible, ~~officers~~ sworn personnel shall verbally identify themselves as ~~peace officers~~ sworn personnel and announce their intent to detain, search, or arrest an individual before using force.
2. ~~Officers~~ Sworn personnel shall recognize and utilize distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.
3. When feasible, and when doing so would not increase the danger to officers or others, ~~officers~~ sworn personnel shall issue a verbal warning to the individual prior to using force.
4. ~~Officers~~ Sworn personnel shall take reasonable steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other ~~involved civilians~~ individuals, as well as other ~~officers~~ sworn personnel and emergency personnel.

5 ~~—~~ In situations when the individual is forced into a face-down position, ~~officers~~ sworn personnel shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as they are restrained and it is safe to do so. Sworn personnel shall monitor the individual for any breathing problems or any other signs of distress.

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6 ~~5. Officers Sworn personnel shall monitor the individual for any breathing problems or any other signs of distress.~~



6. The use of leg sweeps, arm-bar takedowns, or a ~~Passive~~ Restraint System (P=R=S) shall only be considered and used in the following circumstances:

- a. To prevent ~~imminent~~ immediate bodily harm to the officer, individual, or to another person or persons; or
- b. To overcome active resistance.

5 7. ~~When feasible, a~~ Any on-scene officer who observes another officer using force that a reasonable officer would view as out of policy ~~excessive or unnecessary under the circumstances~~ shall, ~~when in a position to do so,~~ safely intercede to stop the officer's actions.

N/A 8. ~~Once the scene is secure and it is reasonable to do so, a~~ An officer shall immediately notify a supervisor and document any use of force (Refer to ~~consistent with as set forth in Department SOP~~ Use of Force: Reporting by Department Personnel for sanction classifications and additional duties).

7 B. Response to High Threat Situations

~~When feasible, prior to initial contact, Absent an immediate need to act, officers~~ sworn personnel ~~should~~ shall take time to plan how they will respond to the situation, plan de-escalation techniques, and create a force array, ~~and plan de-escalation tactics.~~

1. ~~When feasible, the officers~~ sworn personnel arriving on scene will ~~shall~~ secure additional force options, to include less lethal and lethal force, as part of a force array prior to the initial contact.

~~If~~ When an individual officer arrives on the scene of a potentially violent encounter, the officer ~~should~~ shall not attempt to resolve the incident alone, unless there is an immediate threat of death or serious physical injury. ~~For example, (e.g., in an active shooter scenario, immediate intervention shall be considered).~~

2. ~~Officers~~ Sworn personnel shall continually evaluate whether their response is ~~reasonable, necessary, and proportional.~~

3. When feasible, ~~officers~~ sworn personnel shall recognize and utilize distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources.

6 4. On-scene ~~s~~ Supervisors shall ~~lead~~ manage the overall response to a potentially high threat or violent encounter by coordinating resources, ensuring that de-escalation techniques are attempted, and ensuring a force array is employed.

1 C. Deadly Force

N/A



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-52

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1. All provisions of this ~~policy~~ SOP, which govern use of force, including, but not limited to all the officers sworn personnel's duties to preserve human life, the requirement to use de-escalation techniques ~~and tactics~~, the requirements ~~officers sworn personnel~~ use only the minimum amount of force reasonable and, necessary, ~~and proportional~~ under the circumstances governing force, also govern lethal force.
2. An officer shall not use deadly force against an individual unless the officer has probable cause to believe an individual poses a significant threat of death or serious physical injury to the officer, individual, or ~~anyone else~~ person.
3. An officer shall not use deadly force against an individual who is fleeing or attempting to escape unless:
 - a. The officer has probable cause to believe the individual has committed or is in the process of committing a felony involving the infliction or threatened infliction of death or serious physical injury;
 - b. If permitted to flee or escape, the individual would pose a significant threat of death or serious physical injury to the officer(s), individual(s), or ~~others~~ people if not apprehended; and
 - c. The officer ~~The sworn personnel officer(s)~~ has ~~have~~ identified ~~themselves~~ self ~~themselves~~ as a law enforcement officer ~~(e)~~, has ~~ve~~ stated the intention to use deadly force, and has ~~ve~~ given the individual a reasonable opportunity to comply with lawful orders and directions, if time, safety, and the totality of the circumstances permit.
- 6 4. When feasible, ~~the officer(s)~~ sworn personnel shall give ~~a~~ verbal warnings prior to the use of deadly force.

~~D. Deadly Force is:~~

N/A

~~Discharging a firearm at an individual, whether intentional or accidental;~~

~~2. Any neck hold as defined by Department policy;~~

~~3. Intentional strikes with a baton, flashlight, radio, weapon, stock/handle, or improvised impact weapon to vital areas of the body to include the head, neck, throat, torso, or groin;~~

~~4. Intentionally striking an individual's head against a hard, fixed object such as a roadway, floor, wall, or steel/iron bars;~~

~~5. Intentionally targeting the head, neck, throat, chest, or groin of an individual with a beanbag shotgun;~~

~~6. Intentionally targeting the head, neck, throat, chest, or groin with a 40 millimeter impact munition launcher;~~

~~7. Intentionally targeting an individual's head, neck, chest, or genitalia with an Electronic Control Weapon (ECW);~~

~~8. Intentionally kneeling or kicking an individual's head or neck while the individual is in a prone or supine position;~~
~~or~~



~~9. Deliberately striking an individual with a motor vehicle.~~

D. Deadly Force and Motor Vehicles Prohibitions

- 6 1. ~~Officers~~ Sworn personnel ~~should~~ shall not intentionally reach into a moving vehicles unless absolutely necessary to protect an officer or another individual.
- 3 2. ~~Officers~~ Sworn personnel shall not intentionally place themselves in the path of a moving vehicle.
 - ~~3-a.~~ When feasible, officers sworn personnel shall move out of the path of a moving vehicle to a position of cover.
- 1 3. ~~Officers~~ Sworn personnel shall not discharge a firearm at or from a moving vehicle, unless an occupant of the vehicle the officer is engaging is using deadly force, (other than the vehicle itself,) against the officer or another person.
 - ~~4-a.~~ There must be no reasonable alternative course of action, and Such such action must be necessary for self-defense, for the defense of other officers sworn personnel, or for the protection of another person, or because the officer has no reasonable alternative course of action.

7 E. Duty to Provide Medical Attention and Transportation

- 1. Following any use of force that is not a show of force, and once it is safe to do so, an officer shall:
 - ~~a. Determine~~ Immediately identify whether any ~~person~~ individual was injured by the use of force by;
 - i. Visually inspecting the individual;
 - ii. If the individual is under arrest or deadly force has been used on the individual, and it is necessary to look under clothing, then looking under clothing is allowed to inspect for injury; or
 - ~~a.iii.~~ Listening for complaints of injury;
 - b. Immediately render aid consistent with the officer's training;
 - 5 c. Immediately request medical attention when an individual is injured or complains of injury; and
 - d. Immediately request medical attention for the following any Level 2 or Level 3 use of force, ~~tools or techniques~~ regardless of visible injury or complaint of injury.
 - ~~e.~~ This shall not apply to Level 2 and Level 3 uses of force in which there is no contact (i.e., attempted strikes and/or missed ECW deployments).
 - ~~i. Baton (expandable/straight or Bokken) or improvised impact weapon;~~
 - ~~ii. Oleoresin Capsicum (OC) spray;~~
 - ~~iii. ECW;~~
 - ~~iv. Use of Police Service Dog;~~
 - ~~v. Use of force with a vehicle (See SOP Pursuit by Motor Vehicle);~~



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- ~~vi. Impact munitions; or~~
- ~~vii. Firearm.~~

N/A

2. If an officer is unable to secure the scene, the officer may safely extract the individual, and transport them to a safe location for medical treatment, if necessary.
3. An officer shall closely monitor individuals who are taken into custody if the individuals are injured, exhibiting ing physical distress, complaining of pain, or have been rendered unconscious.
4. When force was used on an individual and the individual requires medical care, sworn personnel shall ensure the individual receives medical care without delay. The officer responsible for interviewing the individual shall go to the location of the individual for purposes of conducting the interview.

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- ~~4.5.~~ An officer transporting an individual to a medical facility for treatment shall take the safest and most direct route to the medical facility, consistent with (See SOP – Restraints and Transportation of Individuals).

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- ~~5.6.~~ If an officer transports an individual to a medical facility, the officer shall notify the Emergency Communications Center (ECC) ~~communications~~ of the starting and ending mileage of the transporting vehicle.